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STATE OF DELAWARE
BOARD OF FUNERAL SERVICES

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PUBLIC MEETING MINUTES:	BOARD OF FUNERAL SERVICES
MEETING DATE AND TIME:	Tuesday, May 27, 2014, 10:00 a.m.
PLACE:	861 Silver Lake Boulevard, Dover, Delaware Conference Room B , second floor of the Cannon Building
MINUTES APPROVED:	July 22, 2014

MEETING MINUTES

MEMBERS PRESENT

Chad Chandler, Professional Member, President
S. Keith Parsell, Professional Member
Duwayne Casini, Professional Member
Mary Byrd, Public Member

MEMBERS ABSENT

Bill Torbert, Professional Member
Danna Levy, Public Member
Marceline Knox, Public Member

DIVISION STAFF/DEPUTY ATTORNEY GENERAL

Kevin Maloney, Deputy Attorney General
Sheryl Paquette, Administrative Specialist III

OTHERS PRESENT

David Mangler, Director, Professional Regulation
Gayle MacAfee, Deputy Director, Professional Regulation

CALL TO ORDER

Mr. Chandler called the meeting to order at 10:02 a.m.

REVIEW AND APPROVAL OF MINUTES

The Board reviewed the minutes of the March 25, 2014 meeting. Ms. Byrd said she was present at the March 25th meeting but was marked absent. Mr. Parsell made a motion, seconded by Ms. Byrd, to approve the minutes as corrected. The motion carried unanimously.

UNFINISHED BUSINESS

Rules and Regulations – Elimination of Embalming Room Requirement for Firms with Multiple Locations

Mr. Parsell reminded the Board that he discussed this at the March 25th meeting. Mr. Maloney said he agreed with the proposed language for this but was unsure where the Board felt it needed to be placed in the statute. He said this would require a statutory amendment, not a regulation change, and said it will be part of the

statutory changes that will happen in the Sunset review process. Mr. Maloney suggested Section 3117a(5) as a possible placement for this change and asked the Board to consider where they felt it should be placed. He reminded the Board of the previously agreed upon wording; "Funeral establishments with multiple branch locations in Delaware operate under the same trade name or owned by the same owner(s) are required to maintain an embalming area in at least one of those Delaware locations and the embalming area shall be disclosed on the appropriate establishment license."

NEW BUSINESS

RATIFICATION OF LICENSURE

None

REVIEW OF RESIDENT INTERN REPORTS

Sara Chandler (2nd quarterly reports)

Mr. Parsell and Mr. Casini reviewed the report. Mr. Parsell made a motion, seconded by Mr. Casini, to approve the report as presented. The motion carried by majority vote, with Mr. Chandler being recused.

REVIEW OF APPLICATIONS FOR LICENSURE

Edward Conway, Funeral Director

Mr. Conway's application was reviewed by Mr. Casini. He stated that Mr. Conway is licensed in Connecticut as an Embalmer. He said Mr. Conway is asking to be licensed in Delaware as a Funeral Director by Reciprocity. Mr. Casini said he did not see any educational background specifically in funeral service. The Board reviewed Connecticut's requirements for a Funeral Director and discussed how Connecticut and Delaware are similarly situated. After much discussion, the Board asked Ms. Paquette to follow up with Mr. Conway to get proof of his Embalmer and Funeral Director's licenses in Connecticut and also his educational background information.

Spencer Groff, Funeral Director

Mr. Groff's application was reviewed by Mr. Casini and Mr. Parsell. They both agreed his application was in order and all obligations were fulfilled for apprenticeship. Mr. Parsell made a motion, seconded by Ms. Byrd, to approve licensure for Mr. Groff based on the passing of the state exam. By unanimous vote, the motion carried.

REVIEW OF APPLICATIONS FOR CONTINUING EDUCATION APPROVAL

Delaware State Funeral Directors Association 2014 Convention, March 19, 2014

Reconstruction of Difficult Cases, Requesting 2 CEUs

Crematory Operations: State of the Practice, Requesting 1 CEU

Relax! Or You're Fired, Requesting 1 CEU

Postmortem Changes, Requesting 2 CEUs

Convention Expo, Requesting 1 CEU

Pre-Arrangement and Aftercare, Requesting 2 CEUs

Handling Decomposition Cases; Transforming the Decomposed, Requesting 2 CEUs

Convention Expo, Requesting 1 CEU

Ms. Byrd reviewed the applications for continuing education and made a motion, seconded by Mr. Casini, to approve them as submitted. The motion carried unanimously.

COMPLAINT UPDATES AND CONSENT AGREEMENTS

COMPLAINT UPDATES

Complaint 27-01-13 (Fletcher) Dismissed due to 'Insufficient Evidence'

Complaint 27-01-14 (not assigned) Forwarded to Attorney General's office

Complaint 27-02-14 (not assigned) New Complaint

Mr. Mangler talked about the complaint process and how complaints are assigned. He went over the emergency suspension process as well. Mr. Chandler thanked him for the explanation.

HEARING OFFICER RECOMMENDATIONS

None

CONSENT AGREEMENTS

None

CORRESPONDENCE

Bennie Smith Funeral Home Letter – Temporary Location of Funeral Services (Milford Location)

Mr. Chandler stated that Mr. Smith sent in a letter advising the Board of a fire he had at his Milford location. He then read the letter to the Board.

The Conference – Election of District 2 Director

Mr. Chandler read a letter from The Conference stating that Dr. Hari P. Close, II, member of the Maryland Board of Morticians and Funeral Directors, was re-elected for a second term as District 2 Director.

JOINT SUNSET REVIEW PROCESS

Board of Funeral Directors – 2014 Recommendations for Legislation

Ms. MacAfee explained that the Joint Sunset Review Committee wants a draft from the Board of Funeral Services to include challenges and opportunities for improvement that the Board wants to submit for the Committee's consideration in January 2015. Mr. Parsell said he felt the timeline was confusing. He said he was embarrassed when he found out there was a second meeting at Legislative Hall and no members from the Funeral Board were notified of the meeting. Ms. MacAfee explained that there isn't usually any public participation because it's not like a public meeting. He said he was pleased the timeframe for working on this has been extended one year because of the many things still to be done. The Board discussed this at length, at first talking about developing a committee to work on these issues separately, but then deciding the Board would rather work on them as a group. Ms. Byrd said she believed it would be good for a public member to be included in this process and said she would be willing to be included. Mr. Maloney said he would work with the Board in the development process as well. He said he feels the entire Board should be prepared to bring all topics they want addressed to the next Board meeting. He said they can develop language and decide which subjects might raise objections, and others that would not. Mr. Maloney said the Board can also discuss possible Rules and Regulations changes but these are items the Board can change themselves.

Funeral Procession Memo

Mr. Casini talked about an incident in Delaware a few years ago whereby police were trying to get through a funeral procession and couldn't. He said this was a result of gross negligence. The Board decided to continue this at a later meeting.

OTHER BUSINESS BEFORE THE BOARD (for discussion only)

Maryland State Board Regulations – Impact on Delaware Directors holding Maryland Licenses

Mr. Parsell said there has been a change in Maryland's Statute. He said they have written a new regulation and a 6-page addendum for the regulation change, which was recently passed. Mr. Parsell explained the new rule to the Board and the possible implications to Delaware licensees.

Definition of Embalming as Recognized by Current Regulations

Mr. Parsell said he cannot find a formal definition for this in the Board's current Rules and Regulations. Mr. Chandler said this can be reviewed at the September meeting.

Clarification Regarding Licensed Funeral Directors and Funeral Services – How They Relate to 3118-Exemption D

Mr. Parsell read Section 3118(d) to the Board.

3118(d) Nothing in this chapter shall be construed to prevent the practice of funeral services by individuals performing the administrative and management aspects of funeral services under the direct supervision of a license funeral director; provided, that any sales of goods and services must be reviewed and authorized by, and under the signature of, the licensed funeral director in this State.

He said he has several questions regarding this statute, for instance;

- How much or how little falls under the title 'administrative and management aspects of funeral services'?
- Does that mean a person who does not hold a Funeral Director's license can oversee a graveside committal?
- Can they direct a funeral in a church? Can they conduct a viewing visitation service at a funeral home?
- Does being 'administrative' mean that you need an administrative title, such as Vice-President, for instance.
- Can a person working under the 'administrative' title be anyone that works in the building and can do the work? Or are they required to do certain jobs to fit this description?

Mr. Parsell asked Ms. Byrd, as a Public Member, if she feels a licensed registered Funeral Director needs to be present at all aspects involving the conduction of a service, the embalming of a body, meeting with a family, coordinating cemetery events at a cemetery with a family, etc., or if these tasks can be left to other individuals within a firm? He asked her if that would be acceptable to her as a public member. Ms. Byrd said she felt it was acceptable as long as that person was under the direct supervision of a licensed Funeral Director. After considerable discussion by the Board the subject was determined to be a very broad category in the statute and one that needs considerable review. Mr. Maloney stated he felt the 'management' aspect of funeral service needs clarification. All agreed to review this at the September meeting.

PUBLIC COMMENT

Ms. Gayle MacAfee, Deputy Director for the Division of Professional Regulation, said she is looking forward to working with the Board on the Sunset Review process. She said she'll be attending their meetings and the Board may want to involve stakeholders in the process as well, since the meetings are open to the public. Mr. Maloney said he would like the Board to start getting things in writing before actually inviting any stakeholders to the meeting.

Mr. Chandler reminded Board members there are not many meetings before Sunset Review in January 2015 and suggested everyone bring everything they want to discuss to the September 22nd meeting. He said the Board will go over all Statute and Rules and Regulations at the next meeting.

NEXT MEETING

The next Board meeting will be held on Tuesday, July 22, 2014, at 10:00 a.m. in Conference Room B located on the second floor of the Cannon Building at 861 Silver Lake Boulevard, Dover, Delaware.

ADJOURNMENT

There being no further business, Mr. Casini made a motion, seconded by Ms. Byrd, to adjourn the meeting at 11:13 a.m. The motion to adjourn carried unanimously.

Respectfully submitted,



Sheryl Paquette
Administrative Specialist III

The notes of this meeting are not intended to be a verbatim record of the topics that were presented or discussed. They are for the use of the Board members and the public in supplementing their personal notes and recall for presentations.